

Virginia Regulatory Town Hall

Final Regulation Agency Background Document

Agency Name:	State Air Pollution Control Board
Regulation Title:	Regulations for the Control and Abatement of Air Pollution
Primary Action:	9 VAC 5-20-206
Secondary Action(s):	None.
Action Title:	Hampton Roads VOC Emissions Control Area (Rev. G02)
Date:	November 6, 2003

Please refer to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), Executive Order Twenty-Five (98), and the Virginia Register Form, Style and Procedure Manual for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation.

Currently, Chapter 40 of the Regulations for the Control and Abatement of Air Pollution contains a number of regulations with VOC emission standards. The geographic applicability of these rules is defined by establishing VOC emissions control areas in a list located in 9 VAC 5-20-206 of Chapter 20. This list currently exempts existing stationary sources in four jurisdictions within the Hampton Roads VOC Emissions Control Area: James City County, York County, Poquoson City, and Williamsburg City. The applicable VOC standards are set forth in several articles in Chapter 40. The amendments will remove the exemptions for sources in the four localities in order to render those sources subject to the VOC standards for existing sources, as is the case in the other jurisdictions within the Hampton Roads Emissions VOC Control Area.

Substantial Changes Made Since the Proposed Stage

Please briefly and generally summarize any substantial changes made since the proposed action was published. Please provide citations of the sections of the proposed regulation that have been substantially altered since the proposed stage.

No changes have been made to the proposal.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency, including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On November 5, 2003, the State Air Pollution Control Board adopted final amendments to regulations entitled "Regulations for the Control and Abatement of Air Pollution," specifically, the Hampton Roads VOC Emissions Control Area (9 VAC Chapter 20). The regulation amendments are to be effective on a date as provided in the Administrative Process Act.

Basis

Please identify the section number and provide a brief statement relating the content of the statutory authority to the specific regulation adopted. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to adopt the regulation.

Section 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare. Written assurance from the Office of the Attorney General that the State Air Pollution Control Board possesses the statutory authority to promulgate the regulation amendments is available upon request.

Purpose

Please provide a statement explaining the rationale or justification of the regulation as it relates to the health, safety or welfare of citizens.

The purpose of the regulation is to require owners to limit emissions of air pollution from a variety of sources to the level necessary for (i) the protection of public health and welfare, and (ii) the attainment and maintenance of the air quality standards. The amendments are being made to enlarge the scope of the Hampton Roads Emissions Control Area in order to meet Virginia's obligation to implement contingency measures as a result of this area's violation of the 1-hour ozone standard.

Substance

Please identify and explain the new substantial provisions, the substantial changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the changes.

Currently, Chapter 40 of the Regulations for the Control and Abatement of Air Pollution contains a number of regulations with VOC emission standards. The geographic applicability of these rules is defined by establishing VOC emissions control areas in a list located in 9 VAC 5-20-206 of Chapter 20. This list currently exempts existing stationary sources in four jurisdictions within the Hampton Roads VOC Emissions Control Area: James City County, York County, Poquoson City, and Williamsburg City. The applicable VOC standards are set forth in the following articles in Chapter 40:

- Article 5 - Emission standards for synthesized pharmaceutical products manufacturing operations
- Article 6 - Emission standards for rubber tire manufacturing operations
- Article 24 - Emission standards for solvent metal cleaning operations using non-halogenated solvents
- Article 25 - Emission standards for volatile organic compound storage and transfer operations
- Article 26 - Emission standards for large appliance coating application systems
- Article 27 - Emission standards for magnet wire coating application systems
- Article 28 - Emission standards for automobile and light duty truck coating application systems
- Article 29 - Emission standards for can coating application systems
- Article 30 - Emission standards for metal coil coating application systems
- Article 31 - Emission standards for paper and fabric coating application systems
- Article 32 - Emission standards for vinyl coating application systems
- Article 33 - Emission standards for metal furniture coating application systems
- Article 34 - Emission standards for miscellaneous metal parts and products coating application systems
- Article 35 - Emission standards for flatwood paneling coating application systems
- Article 36 - Emission standards for flexographic, packaging rotogravure and publication rotogravure printing lines
- Article 37 - Emission standards for petroleum liquid storage and transfer operations
- Article 39 - Emission standards for asphalt paving operations
- Article 40 - Open burning

The amendments will remove the exemptions for sources in the four localities in order to render those sources subject to the VOC standards for existing sources, as is the case in the other jurisdictions within the Hampton Roads Emissions VOC Control Area.

Issues

Please provide a statement identifying the issues associated with the regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public of implementing the new or amended provisions; and 2) the primary advantages and disadvantages to the agency or the Commonwealth. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

1. Public: The primary advantage to the public is that the amendments will significantly decrease emissions of VOCs in the Hampton Roads area, thus benefiting public health and welfare. There are no disadvantages to the public.
2. Department: The primary advantages to the department are that the amendments will allow Virginia (1) to implement the contingency measures of the 1-hour maintenance plan established for the Hampton Roads area, and (2) to avoid federal sanctions that would be imposed for violating the SIP provisions of the Clean Air Act. There are no disadvantages to the department.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

A summary and analysis of the public testimony, along with the basis for the decision of the Board, is attached.

Detail of Changes

Please detail any changes, other than strictly editorial changes, made since the publication of the proposed regulation. This statement should provide a section-by-section description of changes.

No changes have been made to the proposal.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that these regulation amendments will have a direct impact on families. However, there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health and welfare problems.

COMMONWEALTH OF VIRGINIA
STATE AIR POLLUTION CONTROL BOARD
SUMMARY AND ANALYSIS OF PUBLIC TESTIMONY FOR
REGULATION REVISION G02
CONCERNING

HAMPTON ROADS VOC EMISSIONS CONTROL AREA
(9 VAC 5 CHAPTER 20)

INTRODUCTION

At the April 2003 meeting, the Board authorized the Department to promulgate for public comment a proposed regulation revision concerning the Hampton Roads VOC Emissions Control Area.

A public hearing was advertised accordingly and held in Virginia Beach on August 26, 2003 and the public comment period closed on September 12, 2003. The proposed regulation amendments subject to the hearing are summarized below followed by a summary of the public participation process and an analysis of the public testimony, along with the basis for the decision of the Board.

SUMMARY OF PROPOSED AMENDMENTS

The proposed regulation amendments concerned provisions covering the Hampton Roads VOC Emissions Control Area. A summary of the amendments follows:

Currently, Chapter 40 of the Regulations for the Control and Abatement of Air Pollution contains a number of regulations with VOC emission standards. The geographic applicability of these rules is defined by establishing VOC emissions control areas in a list located in 9 VAC 5-20-206 of Chapter 20. This list currently exempts existing stationary sources in four jurisdictions within the Hampton Roads VOC Emissions Control Area: James City County, York County, Poquoson City, and Williamsburg City. The applicable VOC standards are set forth in the following articles in Chapter 40:

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- Article 37 - Emission standards for petroleum liquid storage and transfer operations
- Article 39 - Emission standards for asphalt paving operations
- Article 40 - Emission standards for open burning

The proposed amendments will remove the exemptions for sources in the four localities in order to render those sources subject to the VOC standards for existing sources, as is the case in the other jurisdictions within the Hampton Roads Emissions VOC Control Area.

SUMMARY OF PUBLIC PARTICIPATION PROCESS

A public hearing was held in Virginia Beach, Virginia on August 26, 2003. One person attended the hearing, and did not offer testimony; and one additional written comment was received during the public comment period. As required by law, notice of this hearing was given to the public on or about July 14, 2003 in the Virginia Register and in the Virginia Pilot (Hampton Roads). In addition, personal notice of this hearing and the opportunity to comment was given by mail to those persons on the Department's list to receive notices of proposed regulation revisions. A list of hearing attendees and the complete text or an account of each person's testimony is included in the hearing report which is on file at the Department.

ANALYSIS OF TESTIMONY

Below is a summary of each person's testimony and the accompanying analysis. Included is a brief statement of the subject, the identification of the commenter, the text of the comment and the Board's response (analysis and action taken). Each issue is discussed in light of all of the comments received that affect that issue. The Board has reviewed the comments and developed a specific response based on its evaluation of the issue raised. The Board's action is based on consideration of the overall goals and objectives of the air quality program and the intended purpose of the regulation.

1. **SUBJECT:** Support for the proposal.

COMMENTER: Virginia Department of Transportation

TEXT: The Virginia Department of Transportation supports this action as an obligation to implement contingency measure regulations. This regulatory action will also help the region achieve the 8-hour national ambient air quality ozone standard.

RESPONSE: Support for the proposal is appreciated.